

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.

GABRIELLA MUSTO,)
Plaintiff)
)
v.)
)
DICK'S SPORTING GOODS, INC.)
Defendants)
)
)

COMPLAINT AND JURY DEMAND

Now comes the Plaintiff, Gabriella Musto, by and through her attorneys, SWARTZ & LYNCH LLP, for her causes of action against the above-named Defendants and hereby alleges and states as follows:

PARTIES

1. Plaintiff, Gabriella Musto, (hereinafter: "Musto") is a Massachusetts resident who resides in Boston, Suffolk County, Massachusetts.
2. Upon information and belief, Defendant, Dick's Sporting Goods, Inc. (hereinafter: "Dick's") is a foreign corporation with a principal place of business located at 345 Court Street, Coraopolis, Alleghany County, Pennsylvania.

FACTS

3. On or about May 30, 2010, Plaintiff Musto was lawfully on the premises owned and operated by the Defendant, Dick's.
4. At that time, the Plaintiff was injured when, as a result of the negligence of an employee of Dick's, a boat fell and struck her body causing serious bodily injury.
5. As a result of the negligence of Defendant, the Plaintiff Musto sustained serious and life altering injuries.

COUNT I
Negligence

6. Plaintiff incorporates by reference all statements and averments in the preceding paragraphs as though fully set forth herein.
7. At all times relevant the Defendant Dick's owed a duty of reasonable care to the Plaintiff while she was on the Defendant's premises.
8. On or about May 30, 2010, an employee and/or agent of Dick's negligently maintained property owned and displayed by the Defendant Dick's, in a manner which caused this property to strike the Plaintiff.
9. As a direct and proximate result of the negligence of the Defendant Dick's the Plaintiff Gabriella Musto, was caused to suffer and continues to suffer from severe and painful personal injuries. In addition, Plaintiff experiences conscious pain and suffering, including mental pain and suffering, as well as other injuries and damages.

WHEREFORE, the Plaintiff, Gabriella Musto, prays for judgment against Defendant Dick's Sporting Goods, Inc. for compensatory damages, punitive damages, attorney's fees, costs and interest and whatever other relief the Court deems just and fair.

COUNT II
Failure to Warn

10. Plaintiff incorporates by reference all statements and averments in the preceding paragraphs as though fully set forth herein.
11. Defendant Dick's had a duty to warn the Plaintiff of all dangerous conditions on its premises.
12. Defendant Dick's failed to warn the Plaintiff of all dangerous conditions on the premises.
13. As a direct and proximate result of the Defendant's failure to warn, Plaintiff Gabriella Musto was caused to suffer and continues to suffer from severe and painful personal injuries. In addition, Plaintiff Gabriella Musto experiences conscious pain and suffering, including mental pain and suffering, as well as other injuries and damages.

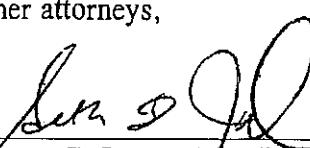
WHEREFORE, the Plaintiff, Gabriella Musto, prays for judgment against Defendant Dick's Sporting Goods, Inc. for compensatory damages, punitive damages,

JURY DEMAND

Plaintiff hereby demands a jury trial on all counts.

Respectfully submitted,
Gabriella Musto,
By her attorneys,

Dated: 5-3-13



Timothy G. Lynch, BBO# 546442
Seth D. Jacobs, BBO#667633
SWARTZ & LYNCH LLP
Old City Hall - 45 School Street
Boston, MA 02108
Tel: 617-367-2882
Fax: 617-367-2289